

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17867 of 2015

Hari Shankar Chaudhary, Son of Shri Laljee Chaudhary, Resident of Village-Bangra, P.O. Karom, Police Station- Guthani, District-Siwan, at present Posted and working as an Assistant Teacher (In Charge- Headmaster) in Govt Middle School Alasgarh, Anchal- Ander, District Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Primary Education , Bihar Patna.
3. The District Magistrate, Siwan.
4. The Regional Deputy Director of Education, Saran Division , Chapra.
5. The District Education Officer, Siwan.
6. The District Programme Officer (Establishment) Siwan.
7. The District Treasury Officer, Siwan.
8. The District Accounts Officer, Siwan.
9. The Block Education Officer, Ander ,District Siwan.
10. The Headmaster-cum-Drawing and Disbursing Officer, Govt. Middle School Alasgarh, Anchal-Ander, District- Siwan

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra, Advocate
For the Respondent/s : Mr. Rakesh Ranjan, AC to GP-22

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 09-02-2024 1. The petitioner has filed the instant application for
the following relief(s):-

“1. i) For issuance of an appropriate writ in the nature of certiorari for quashing the Govt. resolution as contained in memo no. 12 dated 05.01.2015 issued under the signature of the Joint Secretary, Education Department, Govt. of Bihar, Patna whereby it has been held that such



untrained teachers who has not passed in teacher's training examination, 2004 and passed in teacher's training examination 2007 will be given matric trained pay scale with effect from 31.7.2007 instead of 1.10.2003 without considering the facts and circumstances that the petitioner has appeared in teacher's training examination 2007, who was erroneously expelled and after three years in year 2007 examination held in which successfully passed with very good marks.

ii) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to relax Rule-11 of the Bihar Elementary School Teacher Appointment Rule, 1991 as one time measure in similar manner as per the decision of this Hon'ble High Court passed in L.P.A. No. 412 of 2003 and the same benefit should be given to the petitioner as the petitioner has been appointed in terms of the Bihar Elementary School Teacher Appointment Rule, 1991 in year 1994, who has passed teacher's training examination year 2007 even though erroneously expelled in year 2004.

iii) For issuance of appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to allow the petitioner pay scale in matric trained pay scale since 1.10.2003 as per the decision of this Hon'ble High Court passed in L.P.A. No. 412/2003 and the same benefit should be given to



the petitioner as the petitioner has been appointed in terms of the Bihar Elementary School Teacher Appointment Rule, 91 in year 94, who has passed teacher's training examination year 2007 even though appeared in the year 2004 but expelled erroneously.

iv) For issuance of an appropriate writ in the nature of prohibition by restraining the respondent authorities concerned to not lower down the pay scale of the petitioner as the petitioner has been appointed in terms of the Bihar Elementary School Teacher Appointment Rule, 1991 in year 1994, who has passed teacher's training examination year 2007 in second attempt.

v) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to pay the salary of the petitioner since 1.10.2003 as the petitioner has passed the teacher's training examination in his second attempt since the examination of 2007 at which he appeared and he will be persons who passed in 2005 if the examination might have held each year; and as such the petitioner is fully entitled to the benefit of the judgment in 2010 (4) P.L.J.R. 732 (Chandra Kant Vs. the State of Bihar and others) as also interpreted in L.P.A. No. 1459 of 2013 ((Ramakant Yadav versus the State of Bihar and others) and its analogous cases.

vi) For issuance of an appropriate writ in the nature of mandamus for commanding



and directing the respondent authorities concerned to provide matric trained pay scale to the petitioner notionally with effect from 5.9.1999 to 30.9.2003 and monetary benefits of matric trained pay scale with effect from 1.10.2003 as the petitioner has been appointed through Bihar Public Service Commission in the year 1994 having higher qualification, and on the basis of higher qualification, he has been given matric trained pay scale with effect from 01.10.1994 in terms of the memo no.998 dated 7.6.1995 issued under the signature of the Director, Primary Education, Bihar, Patna, but the concerned District Education officer, Siwan is not providing matric trained pay scale to the petitioner notionally with effect from 5.9.1999 and monetary benefits of matric trained pay scale with effect from 1.10.2003, as the petitioner has passed teacher's training examination of 2007 at which he appeared and he will be deemed to be person who passed in year 2005 had the examination conducted each year.

vii) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner will be found entitled in the facts and circumstances of the case.”

2. It is submitted by learned counsel for the petitioner that during pendency of the instant application the grievances of the petitioner having been redressed, he seeks permission to



withdraw this application.

3. In view of the above, the application is disposed of
as withdrawn.

(Partha Sarthy, J)

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